THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 15879 of 1998
Date: 07-06-2007

Between:
Smt.T.Rajamma

Petitioner

And

The Executive Officer, Sri Durga Malleswara Swamy Devasthanam, Vijayawada, Krishna District and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.15879 of 1998

ORDER:

1. The present writ petition has been instituted seeking a direction to the respondents to appoint the petitioner as a Record Assistant against one of the vacancies reserved to be filled in with a member belonging to scheduled castes.

2. The first respondent-Devasthanam has taken out a notification proposing to fill-up several vacancies in it's establishment. Except three vacancies of Record Assistants, rest of the posts are all sought to be filled with candidates belonging to the scheduled castes, scheduled tribes and other backward classes. The Commissioner of Endowments has also accorded the necessary permission through his proceedings dated 1-10-1997 for filling up these vacancies. The case of the writ petitioner is that she is a member belonging to the scheduled caste and she had participated in the selection that was undertaken on 27-9-1996 for recruitment as Record Assistant. But the said selections have not been finalized for no valid reason.

3. In the additional counter affidavit filed on behalf of the first respondent-Devasthanam in paragraph 5, it is sought to be explained that from the marks awarded to the respective candidates by the members of the selection committee, the writ petitioner is standing at Serial No.8 in the overall merit order out of 12 candidates, but however, since the selections have not been finalized, the writ

petitioner could not get appointed. Various reasons are sought to be offered for not finalizing the selections. In view of the order proposed to be passed now, I do not consider it necessary to examine in detail the correctness or otherwise of the reasons assigned by the first respondent for not finalizing the selections.

4. When the first respondent-Devasthanam had proposed to fill up various vacancies pleading the necessity to fill them up there is no justification whatsoever in not finalizing the selections undertaken by it for so many years. While no candidate has got a right of appointment but every candidate who satisfies the requirements has got a right to be considered for such appointment particularly when it is attempted to fill up back log vacancies in public employment. When several vacancies are sought to be filled in with members belonging to scheduled castes, scheduled tribes and backward classes, in view of the applicability of the principles of reservation in their favour, it is only appropriate that the selections should be finalized as expeditiously as possible and the most meritorious amongst the competing candidates is not only selected but also appointed. Non-finalization of selection for long periods is bound to be viewed in all quarters with an element of suspicion, as it is considered to be a breeding ground for corrupt practices to set in. It is, only, therefore appropriate that the process of selections undertaken by the public authority would be finalized as expeditiously as possible. The selections must be transparent and fair and they will have to be confined exclusively in favour of the most merited candidates. It is therefore appropriate that the Commissioner of Endowment-second respondent herein should take all relevant factors into consideration and account and take a decision as to whether the selections which were not finalized so far should be finalized at all or fresh round of process of selections should be initiated. If a fresh round of selection is sought to be initiated, it is only appropriate that all such candidates who have competed at the previous

round of selections should also be provided an opportunity to compete again at the fresh round of selections. The decision in this regard be taken and the follow up action is also accomplished within a period of three months, which shall culminate in the selected candidates being appointed immediately.

5. With this direction, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

07-06-2007

Stp